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4 Attorney for Defendant, JOSE MEDINA PRADO
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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOSE MEDINA PRADO,

14 Defendant.

CASE NO: CRF 05-00146 LJO

**STIPULATION AND
PROPOSED ORDER TO CONTINUE
CONTINUE STATUS CONFERENCE**

15 The parties hereto, by and through their respective attorneys, and with the
16 specific agreement of defendant Jose Medina Prado, stipulate and agree that the
17 status conference/motions hearing calendared for August 24, 2007 be continued
18 until September 14, 2007 at 9:00 a.m.

19 On July 12, 2007 the parties submitted a stipulation due to the need to
20 obtain documents from immigration authorities which Mr. Prado believes will
21 exonerate him. In the interim, the government has been gathering the record
22 needed by the parties to evaluate the case.

23 Counsel for the parties have communicated on multiple occasions regarding
24 the government's ongoing effort to obtain the information needed by the defense.
25 For example, counsel for the government has obtained recordings of immigration
26 proceedings. Mr. Prado believes these recordings will exonerate him because they
27 will show that the immigration judge never advised him that he was permanently
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1 deported, that he could not return to the United States with documentation which
2 had been issued by the government or that he was banned from ever setting foot
3 in the United States. The recordings are made by the immigration court on a
4 proprietary system. Counsel for the government is in the process of having the
5 recordings converted to a format which can be accessed by the government and
6 defense counsel. Also, the government is awaiting records of entries made by Mr.
7 Prado through border ports of entry.

8 Ms. Carvalho is on vacation and will not return until August 27, 2007.
9 Counsel for Mr. Prado is in an ongoing hearing in Kings County Superior Court,
10 which is continuing the morning of August 24, 2007. Counsel for Mr. Prado is
11 scheduled to commence a jury trial in Kings County Superior Court on August 27,
12 2007 and, in addition to the ongoing evidentiary hearing, will be involved in final
13 trial preparations with the court and the prosecutor.

14 Counsel for Mr. Prado met with him at the Fresno County Detention Facility
15 on August 23, 2007. Mr. Prado was agreeable to an additional continuance of the
16 status conference to September 14, 2007 as he believes that these records will
17 result in dismissal of the charges against him. Mr. Prado is still serving a state
18 prison sentence imposed by the Kern County Superior Court; he is not scheduled
19 for release until some time in October of 2007.

20 In light of the foregoing, the parties agree to continue the status conference
21 currently calendared for August 24, 2007 to September 14, 2007 at 9:00 a.m.
22 before this court.

23 Mr. Medina Prado agrees that time be excluded under the speedy trial act
24 and also that any delay resulting from this continuance shall be excluded in the
25 interest of justice pursuant to 18 U.S.C. §§3161(h)(1)(F), 3161(h)(8)(A) and
26 3161(h)(8)(B)(I).

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1 DATED: August 23, 2007

/s/ Sherrill Carvalho
SHERRILL CARVALHO
Assistant United States Attorney
**This was agreed to by Ms. Carvalho
via telephone on August 17, 2007**

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5 DATED: August 23, 2007

/s/ Roger K. Litman
ROGER K. LITMAN
Attorney for Defendant
JOSE MEDINA PRADO

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8 SO ORDERED:
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11 DATED: August 23, 2007

/s/ LAWRENCE J. O'NEILL
U.S. DISTRICT COURT JUDGE